



February 25, 2005

SENATE BILL No. 56

DIGEST OF SB 56 (Updated February 24, 2005 10:24 am - DI 75)

Citations Affected: IC 4-3; IC 5-2; IC 5-14; IC 5-22; IC 10-14; IC 10-15; IC 10-19; IC 16-18; IC 16-31; IC 22-12; IC 22-13; IC 22-14; IC 22-15; noncode.

Synopsis: Establishes the department of homeland security. Abolishes the state emergency management agency, the fire and building services department, the public safety and training board, the advanced life support subcommittee, and the public safety institute. Transfers the functions of these entities to the department of homeland security. Reduces the membership of the fire prevention and building safety commission. Requires the governor to appoint members to the commission. Makes several changes relating to emergency medical services dispatch certification. Transfers statutes and repeals superseded statutes. Requires the legislative services agency to prepare legislation for introduction in the 2006 regular session of the general assembly to organize and correct statutes affected by the establishment of the department of homeland security.

Effective: May 15, 2005.

Wyss, Craycraft, Rogers

January 4, 2005, read first time and referred to Committee on Rules and Legislative Procedure.

February 15, 2005, amended; reassigned to Committee on Homeland Security, Utilities, and Public Policy.

February 24, 2005, amended, reported favorably — Do Pass.

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SB 56—LS 6200/DI 13+



February 25, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 56

A BILL FOR AN ACT to amend the Indiana Code concerning public safety and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-1-3 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE MAY 15, 2005]: Sec. 3. (a) There is created, as a
3 criminal justice agency of the state, a law enforcement training board
4 to carry out the provisions of this chapter. The board members are to
5 be selected as provided by this chapter. The board is composed of **the**
6 **following members:**

7 **(1) The deputy director of the division of preparedness and**
8 **training of the department of homeland security. The deputy**
9 **director serves as the chair of the board.**

10 ~~(1)~~ **(2) The superintendent of the Indiana state police department.**
11 ~~who shall serve as ex officio chairman of the board;~~

12 **(3) The chief of police of a consolidated city.**

13 **(4) One (1) county sheriff from a county with a population of**
14 **at least one hundred thousand (100,000).**

15 ~~(2)~~ **(5) One (1) county sheriff from a county of at least fifty**
16 **thousand (50,000) but less than one hundred thousand**
17 **(100,000) population.**

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~~(3)~~ **(6)** One (1) county sheriff from a county of under fifty thousand (50,000) population.

~~(4)~~ **(7)** One (1) chief of police from a city of at least thirty-five thousand (35,000) population, **who is not the chief of police of a consolidated city.**

~~(5)~~ **(8)** One (1) chief of police from a city of at least ten thousand (10,000) but under thirty-five thousand (35,000) population.

~~(6)~~ **(9)** One (1) chief of police, police officer, or town marshal from a city or town of under ten thousand (10,000) population.

~~(7)~~ **(10)** One (1) prosecuting attorney.

~~(8)~~ **(11)** One (1) judge of a circuit or superior court exercising criminal jurisdiction.

~~(9)~~ **(12)** One (1) member representing professional journalism.

~~(10)~~ **(13)** One (1) member representing the medical profession.

~~(11)~~ **(14)** One (1) member representing education.

~~(12)~~ **(15)** One (1) member representing business and industry.

~~(13)~~ **(16)** One (1) member representing labor. ~~and~~

~~(14)~~ **(17)** One (1) member representing Indiana elected officials of counties, cities, and towns.

(b) The following members constitute an advisory council to assist the members of the ~~law enforcement training~~ board in an advisory, nonvoting capacity:

(1) The special agent in charge of the Federal Bureau of Investigation field office covering the state of Indiana, subject to the agent's approval to serve in such capacity.

(2) The attorney general of Indiana.

~~(3) The administrative director of the Indiana commission on forensic sciences.~~

(3) One (1) member representing forensic science, to be appointed by the governor.

(4) One (1) member representing theology, to be appointed by the governor.

(5) The director of the law enforcement division of the department of natural resources.

SECTION 2. IC 5-14-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 9. (a) A denial of disclosure by a public agency occurs when the person making the request is physically present in the office of the agency, makes the request by telephone, or requests enhanced access to a document and:

(1) the person designated by the public agency as being responsible for public records release decisions refuses to permit inspection and copying of a public record when a request has

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1 been made; or
 2 (2) twenty-four (24) hours elapse after any employee of the public
 3 agency refuses to permit inspection and copying of a public
 4 record when a request has been made;
 5 whichever occurs first.

6 (b) If a person requests by mail or by facsimile a copy or copies of
 7 a public record, a denial of disclosure does not occur until seven (7)
 8 days have elapsed from the date the public agency receives the request.

9 (c) If a request is made orally, either in person or by telephone, a
 10 public agency may deny the request orally. However, if a request
 11 initially is made in writing, by facsimile, or through enhanced access,
 12 or if an oral request that has been denied is renewed in writing or by
 13 facsimile, a public agency may deny the request if:

14 (1) the denial is in writing or by facsimile; and

15 (2) the denial includes:

16 (A) a statement of the specific exemption or exemptions
 17 authorizing the withholding of all or part of the public record;
 18 and

19 (B) the name and the title or position of the person responsible
 20 for the denial.

21 (d) This subsection applies to a board, a commission, a department,
 22 a division, a bureau, a committee, an agency, an office, an
 23 instrumentality, or an authority, by whatever name designated,
 24 exercising any part of the executive, administrative, judicial, or
 25 legislative power of the state. If an agency receives a request to inspect
 26 or copy a record that the agency considers to be excepted from
 27 disclosure under section 4(b)(19) of this chapter, the agency may
 28 consult with the counterterrorism and security council established
 29 under ~~IC 4-3-20~~ by **IC 10-19-8-1**. If an agency denies the disclosure
 30 of a record or a part of a record under section 4(b)(19) of this chapter,
 31 the agency or the counterterrorism and security council shall provide
 32 a general description of the record being withheld and of how
 33 disclosure of the record would have a reasonable likelihood of
 34 threatening the public safety.

35 (e) A person who has been denied the right to inspect or copy a
 36 public record by a public agency may file an action in the circuit or
 37 superior court of the county in which the denial occurred to compel the
 38 public agency to permit the person to inspect and copy the public
 39 record. Whenever an action is filed under this subsection, the public
 40 agency must notify each person who supplied any part of the public
 41 record at issue:

42 (1) that a request for release of the public record has been denied;

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and

(2) whether the denial was in compliance with an informal inquiry response or advisory opinion of the public access counselor.

Such persons are entitled to intervene in any litigation that results from the denial. The person who has been denied the right to inspect or copy need not allege or prove any special damage different from that suffered by the public at large.

(f) The court shall determine the matter de novo, with the burden of proof on the public agency to sustain its denial. If the issue in de novo review under this section is whether a public agency properly denied access to a public record because the record is exempted under section 4(a) of this chapter, the public agency meets its burden of proof under this subsection by establishing the content of the record with adequate specificity and not by relying on a conclusory statement or affidavit.

(g) If the issue in a de novo review under this section is whether a public agency properly denied access to a public record because the record is exempted under section 4(b) of this chapter:

(1) the public agency meets its burden of proof under this subsection by:

(A) proving that the record falls within any one (1) of the categories of exempted records under section 4(b) of this chapter; and

(B) establishing the content of the record with adequate specificity and not by relying on a conclusory statement or affidavit; and

(2) a person requesting access to a public record meets the person's burden of proof under this subsection by proving that the denial of access is arbitrary or capricious.

(h) The court may review the public record in camera to determine whether any part of it may be withheld under this chapter.

(i) In any action filed under this section, a court shall award reasonable attorney's fees, court costs, and other reasonable expenses of litigation to the prevailing party if:

(1) the plaintiff substantially prevails; or

(2) the defendant substantially prevails and the court finds the action was frivolous or vexatious.

The plaintiff is not eligible for the awarding of attorney's fees, court costs, and other reasonable expenses if the plaintiff filed the action without first seeking and receiving an informal inquiry response or advisory opinion from the public access counselor, unless the plaintiff can show the filing of the action was necessary because the denial of access to a public record under this chapter would prevent the plaintiff

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from presenting that public record to a public agency preparing to act on a matter of relevance to the public record whose disclosure was denied.

(j) A court shall expedite the hearing of an action filed under this section.

SECTION 3. IC 5-22-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 4. (a) A purchasing agent may make a special purchase when there exists, under emergency conditions, a threat to public health, welfare, or safety.

(b) The counterterrorism and security council established by ~~IC 4-3-20-2~~ **IC 10-19-8-1** may make a purchase under this section to preserve security or act in an emergency as determined by the governor.

SECTION 4. IC 10-14-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 2. "Agency" refers to the ~~state emergency management agency~~ **department of homeland security** established by ~~IC 10-14-2-1~~ **IC 10-19-2-1**.

SECTION 5. IC 10-14-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 4. "Director" refers to the ~~executive~~ director of the ~~agency~~ **department of homeland security** appointed under ~~IC 10-14-2-2~~ **IC 10-19-3-1**.

SECTION 6. IC 10-14-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 5. (a) For purposes of this section, "member of the military or public safety officer" means an individual who is **any of the following**:

- (1) A member of a fire department (as defined in IC 36-8-1-8).
- (2) An emergency medical service provider (as defined in IC 16-41-10-1).
- (3) A member of a police department (as defined in IC 36-8-1-9).
- (4) A correctional officer (as defined in IC 5-10-10-1.5).
- (5) A state police officer.
- (6) A county police officer.
- (7) A police reserve officer.
- (8) A county sheriff.
- (9) A deputy sheriff.
- (10) An excise police officer.
- (11) A conservation enforcement officer.
- (12) A town marshal.
- (13) A deputy town marshal.
- (14) A university ~~policy~~ **police** officer appointed under IC 20-12-3.5.
- (15) A probation officer.



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(16) A paramedic.

(17) A volunteer firefighter (as defined in IC 36-8-12-2).

(18) An emergency medical technician or a paramedic working in a volunteer capacity.

(19) A member of the armed forces of the United States.

(20) A member of the Indiana Air National Guard. ~~or~~

(21) A member of the Indiana Army National Guard.

(b) For purposes of this section, "dies in the line of duty" refers to a death that occurs as a direct result of personal injury or illness resulting from any action that a member of the military or public safety officer, in the member of the military's or public safety officer's official capacity, is obligated or authorized by rule, regulation, condition of employment or services, or law to perform in the course of performing the member of the military's or public safety officer's duty.

(c) If a member of the military or public safety officer dies in the line of duty, a state flag shall be presented to:

(1) the surviving spouse;

(2) the surviving children if there is no surviving spouse; or

(3) the surviving parent or parents if there is no surviving spouse and there are no surviving children.

(d) The ~~state emergency management~~ agency shall administer this section. ~~and~~

(e) **The director** may adopt rules under IC 4-22-2 to implement this section.

SECTION 7. IC 10-14-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 1. (a) As used in this chapter, "disaster" means an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural **phenomenon** or ~~manmade cause~~. **human act.**

(b) The term includes **any of** the following:

(1) Fire.

(2) Flood.

(3) Earthquake.

~~(4) Wind.~~

(4) Windstorm.

~~(5) Storm.~~

(5) Snowstorm.

(6) Ice storm.

(7) Tornado.

~~(6) (8) Wave action.~~

~~(7) (9) Oil spill.~~

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~~(8)~~ **(10)** Other water contamination requiring emergency action to avert danger or damage.

~~(9)~~ **(11)** Air contamination.

~~(10)~~ **(12)** Drought.

~~(11)~~ **(13)** Explosion.

(14) Technological emergency.

(15) Utility failure.

(16) Critical shortages of essential fuels or energy.

(17) Major transportation accident.

(18) Hazardous material or chemical incident.

(19) Radiological incident.

(20) Nuclear incident.

(21) Biological incident.

(22) Epidemic.

(23) Public health emergency.

(24) Animal disease event requiring emergency action.

(25) Blight.

(26) Infestation.

~~(12)~~ **(27)** Riot.

~~(13)~~ **(28)** Hostile military or paramilitary action.

(29) Act of terrorism.

(30) Any other public calamity requiring emergency action.

SECTION 8. IC 10-14-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 11. The ~~agency~~ **director** shall adopt rules under IC 4-22-2 to carry out this chapter.

SECTION 9. IC 10-14-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 8. The ~~agency~~ **director** may adopt rules under IC 4-22-2 to implement this chapter.

SECTION 10. IC 10-15-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 3. "Department" refers to the ~~fire and building services~~ department **of homeland security** established by ~~IC 22-12-5-1~~ **IC 10-19-2-1**.

SECTION 11. IC 10-15-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 4. "Executive director" refers to the executive director of the ~~Indiana emergency management, fire and building services, and public safety training foundation~~ **established by IC 10-15-2-1, department of homeland security appointed under IC 10-19-3-1**.

SECTION 12. IC 10-15-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 2. (a) The foundation consists of ~~fifteen (15)~~ **nine (9)** voting members and four (4) nonvoting advisory members.

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(b) The voting members shall be appointed by the governor. ~~The voting members are as follows:~~

~~(1) The executive director, subject to subsection (d);~~

~~(2) The state fire marshal;~~

~~(3) The state building commissioner;~~

~~(4) The deputy director of the state emergency management agency;~~

~~(5) The deputy director of the state emergency management agency for emergency medical services;~~

~~(6) Ten (10) individuals appointed by the governor.~~ Each Indiana congressional district must be represented by at least one (1) member who is a resident of that congressional district. Not more than five (5) of the members appointed under this subdivision may represent the same political party.

(c) The four (4) nonvoting advisory members are as follows:

(1) Two (2) members, one (1) from each political party, appointed by the president pro tempore of the senate with advice from the minority leader of the senate.

(2) Two (2) members, one (1) from each political party, appointed by the speaker of the house of representatives with advice from the minority leader of the house of representatives.

~~(d) The executive director may vote for tie breaking purposes only.~~

~~(e) (d)~~ In the absence of a member, the member's vote may be cast by another member if the member casting the vote has a written proxy in proper form as required by the foundation.

SECTION 13. IC 10-15-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 3. (a) A quorum consists of ~~eight (8)~~ **five (5)** of the voting members of the foundation. ~~described in section 2(b)(2) through 2(b)(6) of this chapter.~~

(b) ~~One (1) of~~ **The following affirmative vote of at least five (5) voting members of the foundation** is necessary for the foundation to take action.

~~(1) An affirmative vote by at least eight (8) of the fifteen (15) members;~~

~~(2) A tie vote broken by the executive director;~~

SECTION 14. IC 10-15-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 5. (a) The term of each **voting** member ~~appointed under section 2(b)(6) of this chapter~~ is four (4) years.

(b) A member appointed to fill the unexpired term of a member serves until the end of the unexpired term.

(c) At the expiration of a member's term, the member may be

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reappointed if the member continues to ~~be a part of~~ **reside in** the represented ~~entity~~. **congressional district**. A person is no longer a member when the ~~person~~ **individual** ceases to be a ~~part~~ **resident** of the represented ~~entity~~. **congressional district**.

SECTION 15. IC 10-15-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 6. The terms of the **voting** members ~~appointed under section 2(b)(6) of this chapter~~ begin on July 1.

SECTION 16. IC 10-15-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 7. (a) At the foundation's first meeting after June 30 of each year, the voting members ~~appointed under section 2(b)(2) through 2(b)(6) of this chapter~~ shall select:

(1) one (1) of the voting members ~~who is not a state employee~~ to serve as chairperson; and

(2) one (1) of the voting members ~~who is not a state employee~~ to serve as vice chairperson.

(b) The vice chairperson shall exercise all the duties and powers of the chairperson in the chairperson's absence or disability.

SECTION 17. IC 10-19 IS ADDED TO THE INDIANA CODE AS A **NEW ARTICLE** TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]:

ARTICLE 19. DEPARTMENT OF HOMELAND SECURITY
Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Council" refers to the counterterrorism and security council established by IC 10-19-8-1.

Sec. 3. "Department" refers to the department of homeland security established by IC 10-19-2-1.

Sec. 4. "Executive director" refers to the executive director of the department of homeland security appointed under IC 10-19-3-1.

Chapter 2. Department Established

Sec. 1. The department of homeland security is established.

Sec. 2. The department consists of the following divisions:

(1) The division of planning and assessment.

(2) The division of preparedness and training.

(3) The division of emergency response and recovery.

(4) The division of fire and building safety.

Chapter 3. Executive Director

Sec. 1. The governor shall appoint an individual to be the

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1 executive director of the department.

2 **Sec. 2. The executive director:**

- 3 (1) serves at the governor's pleasure; and
 4 (2) is entitled to receive compensation in an amount set by the
 5 governor.

6 **Sec. 3. The executive director shall do the following:**

- 7 (1) Serve as the chief executive and administrative officer of
 8 the department.
 9 (2) Serve as the director of the council.
 10 (3) Administer the application for, and disbursement of,
 11 federal and state homeland security money for all Indiana
 12 state and local governments.
 13 (4) Develop a single strategic plan for preparing and
 14 responding to homeland security emergencies in consultation
 15 with the council.
 16 (5) Serve as the state coordinating officer under federal law
 17 for all matters relating to emergency and disaster mitigation,
 18 preparedness, response, and recovery.
 19 (6) Use and allocate the services, facilities, equipment,
 20 personnel, and resources of any state agency, on the
 21 governor's behalf, as is reasonably necessary in the
 22 preparation for, response to, or recovery from an emergency
 23 or disaster situation that threatens or has occurred in
 24 Indiana.

25 **Sec. 4. The executive director may appoint employees in the**
 26 **manner provided by IC 4-15-2 and fix their compensation, subject**
 27 **to the approval of the budget agency under IC 4-12-1-13.**

28 **Sec. 5. The executive director may delegate the executive**
 29 **director's authority to the appropriate department staff.**

30 **Sec. 6. For purposes of IC 4-21.5, the executive director is the**
 31 **ultimate authority for the department.**

32 **Sec. 7. (a) Except as provided in this section, for purposes of**
 33 **IC 4-22-2, the executive director is the authority that adopts rules**
 34 **for the department.**

35 **(b) The Indiana emergency medical services commission is the**
 36 **authority that adopts rules under IC 16-31.**

37 **(c) The fire prevention and building safety commission is the**
 38 **authority that adopts rules under any of the following:**

- 39 (1) IC 22-11.
 40 (2) IC 22-12.
 41 (3) IC 22-13.
 42 (4) IC 22-14.

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1 (5) IC 22-15.

2 (d) The board of firefighting personnel standards and education
3 is the authority that adopts rules under IC 36-8-10.5.

4 Chapter 4. Division of Planning and Assessment

5 Sec. 1. The division of planning and assessment is established
6 within the department.

7 Sec. 2. The division shall do the following:

8 (1) Develop a single strategic plan for preparing for and
9 responding to homeland security emergencies.

10 (2) Assess state and local security needs.

11 (3) Disburse federal and state homeland security money for all
12 Indiana state and local governments.

13 Sec. 3. The executive director shall appoint an individual as a
14 deputy executive director to manage the division.

15 Chapter 5. Division of Preparedness and Training

16 Sec. 1. The division of preparedness and training is established
17 within the department.

18 Sec. 2. The division shall administer the following:

19 (1) IC 10-15.

20 (2) All other state emergency management and response
21 training programs.

22 Sec. 3. The executive director shall appoint an individual as a
23 deputy executive director to manage the division.

24 Sec. 4. The deputy executive director appointed under section 3
25 of this chapter shall serve as the chair of the law enforcement
26 training board under IC 5-2-1-3.

27 Chapter 6. Division of Emergency Response and Recovery

28 Sec. 1. The division of emergency response and recovery is
29 established within the department.

30 Sec. 2. The division shall do the following:

31 (1) Administer IC 10-14.

32 (2) Administer the state's emergency operations functions
33 during an emergency.

34 Sec. 3. The executive director shall appoint an individual as a
35 deputy executive director to manage the division.

36 Chapter 7. Division of Fire and Building Safety

37 Sec. 1. The division of fire and building safety is established
38 within the department.

39 Sec. 2. The division shall administer the following:

40 (1) IC 16-31.

41 (2) IC 22-11.

42 (3) IC 22-12.

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1 (4) IC 22-13.

2 (5) IC 22-14.

3 (6) IC 22-15.

4 Sec. 3. (a) The state fire marshal appointed under IC 22-14-2-2
5 shall do the following:

6 (1) Serve as the deputy executive director of the division.

7 (2) Administer the division.

8 (3) Serve as secretary for the fire prevention and building
9 safety commission established by IC 22-12-2-1.

10 (b) The state fire marshal may not exercise any powers or
11 perform any duties specifically assigned to either of the following:

12 (1) The fire prevention and building safety commission.

13 (2) The building law compliance officer.

14 Sec. 4. (a) The division shall employ a building law compliance
15 officer.

16 (b) The building law compliance officer shall administer the
17 building safety laws (as defined in IC 22-12-1-3).

18 **Chapter 8. Counterterrorism and Security Council**

19 **Sec. 1. The counterterrorism and security council is established.**

20 **Sec. 2. (a) The council consists of the following members:**

21 (1) The lieutenant governor.

22 (2) The executive director.

23 (3) The superintendent of the state police department.

24 (4) The adjutant general.

25 (5) The state health commissioner.

26 (6) The commissioner of the department of environmental
27 management.

28 (7) The assistant commissioner of agriculture.

29 (8) The chairman of the Indiana utility regulatory
30 commission.

31 (9) The commissioner of the Indiana department of
32 transportation.

33 (10) The executive director of the Indiana criminal justice
34 institute.

35 (11) The commissioner of the bureau of motor vehicles.

36 (12) A local law enforcement officer or a member of the law
37 enforcement training academy appointed by the governor.

38 (13) The speaker of the house of representatives or his
39 designee.

40 (14) The president pro tempore of the senate or his designee.

41 (15) The chief justice of the supreme court.

42 (b) The members of the council under subsection (a)(13), (a)(14),

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and (a)(15) are nonvoting members.

(c) Representatives of the United States Department of Justice may serve as members of the council as the council and the Department of Justice may determine. Any representatives of the Department of Justice serve as nonvoting members of the council.

Sec. 3. The lieutenant governor shall serve as the chair of the council and in this capacity report directly to the governor.

Sec. 4. (a) The council shall do the following:

(1) Develop a strategy in concert with the department to enhance the state's capacity to prevent and respond to terrorism.

(2) Develop a counterterrorism plan in conjunction with relevant state agencies, including a comprehensive needs assessment.

(3) Review each year and update when necessary the plan developed under subdivision (2).

(4) Develop in concert with the department a counterterrorism curriculum for use in basic police training and for advanced in-service training of veteran law enforcement officers.

(5) Develop affiliates of the council to coordinate local efforts and serve as the point of contact for the council and the United States Department of Homeland Security.

(6) Develop a plan for sharing intelligence information across multiple federal, state, and local law enforcement and homeland security agencies.

(b) The council shall report periodically its findings and recommendations to the governor.

Sec. 5. (a) The executive director may employ staff for the council, subject to the approval of the governor.

(b) The executive director shall serve as:

(1) the central coordinator for counterterrorism issues; and

(2) the state's point of contact for:

(A) the Office for Domestic Preparedness in the United States Department of Justice; and

(B) the United States Department of Homeland Security.

Sec. 6. (a) The expenses of the council shall be paid from appropriations made by the general assembly.

(b) Money received by the council as a grant or a gift is appropriated for the purposes of the grant or the gift.

Sec. 7. (a) Each member of the council who is not a state employee is not entitled to the minimum salary per diem provided

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by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for travel expenses as provided in IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the council who is a state employee but who is not a member of the general assembly is entitled to reimbursement for travel expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each member of the council who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

Sec. 8. The affirmative votes of a majority of the voting members of the council are required for the council to take action on any measure, including final reports.

Sec. 9. (a) The council may receive confidential law enforcement information from the state police department, the Federal Bureau of Investigation, or other federal, state, or local law enforcement agencies.

(b) For purposes of IC 5-14-1.5 and IC 5-14-3, information received under subsection (a) is confidential.

Sec. 10. All state agencies shall cooperate to the fullest extent possible with the council and the executive director to implement this chapter.

Chapter 9. Public Safety Training

Sec. 1. As used in this chapter, "division" refers to the division of preparedness and training.

Sec. 2. As used in this chapter, "public safety service provider" or "provider" means an officer or employee of the state, an officer or employee of a governmental unit, or a volunteer who is engaged in at least one (1) of the following activities:

- (1) Firefighting.
- (2) Emergency management.
- (3) Environmental management.

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1 (4) Fire or building inspection.

2 (5) Emergency medical service.

3 (6) Any other public safety or homeland security activity that
4 the division may designate.

5 Sec. 3. (a) The division shall develop and provide a training
6 program for public safety service providers.

7 (b) Participation in the training program is optional for a
8 provider.

9 Sec. 4. Subject to section 3(b) of this chapter, the division shall
10 establish and conduct advanced training programs in public safety
11 and homeland security subjects on a voluntary enrollment basis.
12 The division may offer courses to any public safety service
13 provider that the division determines will benefit from the training.

14 Sec. 5. The division may establish training facilities at which the
15 division provides programs. The division shall establish policies
16 and procedures for the use of any training facilities that the
17 division establishes.

18 Sec. 6. The division may recommend or conduct studies or
19 surveys. The division may require reports from the chief executive
20 of a governmental or volunteer provider organization for the
21 purposes of this chapter.

22 Sec. 7. The division may originate, compile, and disseminate
23 training materials to providers.

24 Sec. 8. The division may establish a system of issuing diplomas
25 or certificates for persons who successfully complete the division's
26 training programs.

27 Sec. 9. Upon request, the division may assist a provider
28 organization in the development of training programs for the
29 organization's personnel.

30 Sec. 10. The division may consult, cooperate, or contract with
31 the law enforcement training board, a college or university, or any
32 other individual or entity for the development and providing of
33 courses of study for public safety service providers.

34 Sec. 11. (a) The division's facilities are available for the training
35 of the following:

36 (1) The department's employees.

37 (2) Professional and volunteer firefighters.

38 (3) Emergency management volunteers.

39 (4) Environmental management department employees.

40 (5) Emergency medical technicians.

41 (6) Municipal and county building inspectors.

42 (7) Other public safety service providers that the division may

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1 designate.

2 (b) The division shall determine the terms and conditions for use
3 of the division's facilities by the providers listed in subsection (a).

4 Sec. 12. The division may establish fee schedules and charges for
5 the following:

6 (1) Items or services provided by the division under this
7 chapter.

8 (2) Training conducted by the division under this chapter.

9 (3) Other division activities conducted under this chapter.

10 Sec. 13. The division may accept gifts and grants from any
11 source and use them for the purposes of this chapter.

12 Sec. 14. The division may perform any other acts that are
13 necessary or appropriate to implement this chapter.

14 Sec. 15. The executive director may adopt rules under IC 4-22-2
15 to implement this chapter.

16 SECTION 18. IC 16-18-2-96 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 96. (a) "Director", for
18 purposes of IC 16-19-13, refers to the director of the office of women's
19 health established by IC 16-19-13.

20 (b) "Director", for purposes of IC 16-27, means the individual acting
21 under the authority of and assigned the responsibility by the state health
22 commissioner to implement IC 16-27.

23 (c) "Director", for purposes of IC 16-28, IC 16-29, and IC 16-30,
24 means the individual acting under the authority of and assigned the
25 responsibility by the state health commissioner to implement IC 16-28,
26 IC 16-29, and IC 16-30.

27 (d) "Director", for purposes of IC 16-31, refers to the **executive**
28 director of the **state emergency management agency department of**
29 **homeland security** established ~~under IC 10-14-2-1~~ by IC 10-19-2-1.

30 (e) "Director", for purposes of IC 16-35-2, refers to the director of
31 the program for children with special health care needs.

32 SECTION 19. IC 16-31-3-2 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 2. The commission
34 shall establish standards for persons required to be certified by the
35 commission to provide emergency medical services. To be certified, a
36 person must meet the following minimum requirements:

37 (1) The personnel certified under this chapter must do the
38 following:

39 (A) Meet the standards for education and training established
40 by the commission by rule.

41 (B) Successfully complete a basic or an inservice course of
42 education and training on sudden infant death syndrome that

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is certified by the Indiana emergency medical services commission (created under IC 16-31-2-1) in conjunction with the state health commissioner.

(2) Ambulances to be used must conform with the requirements of the commission and must either be:

(A) covered by insurance issued by a company licensed to do business in Indiana in the amounts and under the terms required in rules adopted by the commission; ~~taking into consideration recommendations of the technical advisory committee;~~ or

(B) owned by a governmental entity covered under IC 34-13-3.

(3) Emergency ambulance service shall be provided in accordance with rules adopted by the commission. ~~taking into consideration recommendations of the advisory committee concerning staffing, equipping, and operating procedures.~~ However, the rules adopted under this chapter may not prohibit the dispatch of an ambulance to aid an emergency patient because an emergency medical technician is not immediately available to staff the ambulance.

(4) Ambulances must be equipped with a system of emergency medical communications approved by the commission. The emergency medical communication system must properly integrate and coordinate appropriate local and state emergency communications systems and reasonably available area emergency medical facilities with the general public's need for emergency medical services.

(5) Emergency medical communications shall be provided in accordance with rules adopted by the commission. ~~taking into consideration recommendations of the technical advisory committee concerning such matters.~~

(6) A nontransporting emergency medical services vehicle must conform with the commission's requirements.

SECTION 20. IC 16-31-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 3. (a) A certificate is not required for a person who provides emergency ambulance service, an emergency medical technician, **an emergency medical technician-basic advanced**, an ambulance, a nontransporting emergency medical services vehicle, or advanced life support when doing any of the following:

(1) Providing assistance to persons certified to provide emergency ambulance service or to emergency medical technicians.

(2) Operating from a location or headquarters outside Indiana to provide emergency ambulance services to patients who are picked

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up outside Indiana for transportation to locations within Indiana.

(3) Providing emergency medical services during a major catastrophe or disaster with which persons or ambulances certified to provide emergency ambulance services are insufficient or unable to cope.

(b) An agency or instrumentality of the United States and any paramedic, ~~or advanced emergency technician~~ **emergency medical technician-intermediate, emergency medical technician-basic advanced, emergency medical technician, or first responder** of the agency or instrumentality is not required to:

(1) be certified; or

(2) conform to the standards prescribed under this chapter.

SECTION 21. IC 16-31-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 14. (a) A person holding a certificate issued under this article must comply with the applicable standards and rules established under this article. A certificate holder is subject to disciplinary sanctions under subsection (b) if the state emergency management agency determines that the certificate holder:

(1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate, including cheating on a certification examination;

(2) engaged in fraud or material deception in the course of professional services or activities;

(3) advertised services or goods in a false or misleading manner;

(4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses required under this article or rules adopted under this article;

(5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the certificate holder should be entrusted to provide emergency medical services;

(6) is convicted of violating IC 9-19-14.5;

(7) fails to comply and maintain compliance with or violates any applicable provision, standard, or other requirement of this article or rules adopted under this article;

(8) continues to practice if the certificate holder becomes unfit to practice due to:

(A) professional incompetence that includes the undertaking of professional activities that the certificate holder is not qualified by training or experience to undertake;

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- 1 (B) failure to keep abreast of current professional theory or
- 2 practice;
- 3 (C) physical or mental disability; or
- 4 (D) addiction to, abuse of, or dependency on alcohol or other
- 5 drugs that endanger the public by impairing the certificate
- 6 holder's ability to practice safely;
- 7 (9) engages in a course of lewd or immoral conduct in connection
- 8 with the delivery of services to the public;
- 9 (10) allows the certificate holder's name or a certificate issued
- 10 under this article to be used in connection with a person who
- 11 renders services beyond the scope of that person's training,
- 12 experience, or competence;
- 13 (11) is subjected to disciplinary action in another state or
- 14 jurisdiction on grounds similar to those contained in this chapter.
- 15 For purposes of this subdivision, a certified copy of a record of
- 16 disciplinary action constitutes prima facie evidence of a
- 17 disciplinary action in another jurisdiction;
- 18 (12) assists another person in committing an act that would
- 19 constitute a ground for disciplinary sanction under this chapter;
- 20 or
- 21 (13) allows a certificate issued by the commission to be:
- 22 (A) used by another person; or
- 23 (B) displayed to the public when the certificate is expired,
- 24 inactive, invalid, revoked, or suspended.
- 25 (b) The state emergency management agency may issue an order
- 26 under IC 4-21.5-3-6 to impose one (1) or more of the following
- 27 sanctions if the state emergency management agency determines that
- 28 a certificate holder is subject to disciplinary sanctions under subsection
- 29 (a):
- 30 (1) Revocation of a certificate holder's certificate for a period not
- 31 to exceed seven (7) years.
- 32 (2) Suspension of a certificate holder's certificate for a period not
- 33 to exceed seven (7) years.
- 34 (3) Censure of a certificate holder.
- 35 (4) Issuance of a letter of reprimand.
- 36 (5) Assessment of a civil penalty against the certificate holder in
- 37 accordance with the following:
- 38 (A) The civil penalty may not exceed five hundred dollars
- 39 (\$500) per day per violation.
- 40 (B) If the certificate holder fails to pay the civil penalty within
- 41 the time specified by the state emergency management agency,
- 42 the state emergency management agency may suspend the

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1 certificate holder's certificate without additional proceedings.

2 (6) Placement of a certificate holder on probation status and
3 requirement of the certificate holder to:

4 (A) report regularly to the state emergency management
5 agency upon the matters that are the basis of probation;

6 (B) limit practice to those areas prescribed by the state
7 emergency management agency;

8 (C) continue or renew professional education approved by the
9 state emergency management agency until a satisfactory
10 degree of skill has been attained in those areas that are the
11 basis of the probation; or

12 (D) perform or refrain from performing any acts, including
13 community restitution or service without compensation, that
14 the state emergency management agency considers appropriate
15 to the public interest or to the rehabilitation or treatment of the
16 certificate holder.

17 The state emergency management agency may withdraw or
18 modify this probation if the state emergency management agency
19 finds after a hearing that the deficiency that required disciplinary
20 action is remedied or that changed circumstances warrant a
21 modification of the order.

22 (c) If an applicant or a certificate holder has engaged in or
23 knowingly cooperated in fraud or material deception to obtain a
24 certificate, including cheating on the certification examination, the
25 state emergency management agency may rescind the certificate if it
26 has been granted, void the examination or other fraudulent or deceptive
27 material, and prohibit the applicant from reapplying for the certificate
28 for a length of time established by the state emergency management
29 agency.

30 (d) The state emergency management agency may deny certification
31 to an applicant who would be subject to disciplinary sanctions under
32 subsection (b) if that person were a certificate holder, has had
33 disciplinary action taken against the applicant or the applicant's
34 certificate to practice in another state or jurisdiction, or has practiced
35 without a certificate in violation of the law. A certified copy of the
36 record of disciplinary action is conclusive evidence of the other
37 jurisdiction's disciplinary action.

38 (e) The state emergency management agency may order a certificate
39 holder to submit to a reasonable physical or mental examination if the
40 certificate holder's physical or mental capacity to practice safely and
41 competently is at issue in a disciplinary proceeding. Failure to comply
42 with a state emergency management agency order to submit to a

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physical or mental examination makes a certificate holder liable to temporary suspension under subsection (i).

(f) Except as provided under subsection (a), **subsection (g)**, and section 14.5 of this chapter, a certificate may not be denied, revoked, or suspended because the applicant or certificate holder has been convicted of an offense. The acts from which the applicant's or certificate holder's conviction resulted may be considered as to whether the applicant or certificate holder should be entrusted to serve the public in a specific capacity.

(g) The state emergency management agency may deny, suspend, or revoke a certificate issued under this ~~chapter~~ **article** if the individual who holds or is applying for the certificate is convicted of any of the following:

(1) Possession of cocaine, a narcotic drug, or methamphetamine under IC 35-48-4-6.

(2) Possession of a controlled substance under IC 35-48-4-7(a).

(3) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).

(4) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).

(5) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).

(6) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).

(7) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.

(8) Maintaining a common nuisance under IC 35-48-4-13.

(9) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

(10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).

(11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).

(12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described by subdivisions (1) through (11).

(h) A decision of the state emergency management agency under subsections (b) through (g) may be appealed to the commission under IC 4-21.5-3-7.

(i) The state emergency management agency may temporarily suspend a certificate holder's certificate under IC 4-21.5-4 before a

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1 final adjudication or during the appeals process if the state emergency
2 management agency finds that a certificate holder would represent a
3 clear and immediate danger to the public's health, safety, or property if
4 the certificate holder were allowed to continue to practice.

5 (j) On receipt of a complaint or information alleging that a person
6 certified under this chapter or IC 16-31-3.5 has engaged in or is
7 engaging in a practice that is subject to disciplinary sanctions under
8 this chapter, the state emergency management agency must initiate an
9 investigation against the person.

10 (k) The state emergency management agency shall conduct a
11 factfinding investigation as the state emergency management agency
12 considers proper in relation to the complaint.

13 (l) The state emergency management agency may reinstate a
14 certificate that has been suspended under this section if the state
15 emergency management agency is satisfied that the applicant is able to
16 practice with reasonable skill, competency, and safety to the public. As
17 a condition of reinstatement, the state emergency management agency
18 may impose disciplinary or corrective measures authorized under this
19 chapter.

20 (m) The state emergency management agency may not reinstate a
21 certificate that has been revoked under this chapter.

22 (n) The state emergency management agency must be consistent in
23 the application of sanctions authorized in this chapter. Significant
24 departures from prior decisions involving similar conduct must be
25 explained in the state emergency management agency's findings or
26 orders.

27 (o) A certificate holder may not surrender the certificate holder's
28 certificate without the written approval of the state emergency
29 management agency, and the state emergency management agency may
30 impose any conditions appropriate to the surrender or reinstatement of
31 a surrendered certificate.

32 (p) For purposes of this section, "certificate holder" means a person
33 who holds:

- 34 (1) an unlimited certificate;
- 35 (2) a limited or probationary certificate; or
- 36 (3) an inactive certificate.

37 SECTION 22. IC 16-31-3.5-2 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 2. This chapter does
39 not apply to **the following**:

- 40 (1) A person who solely dispatches prescheduled emergency
- 41 medical transports.
- 42 (2) A person who provides emergency medical dispatching

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1 **during a major catastrophe or disaster with which individuals**
 2 **or dispatch agencies certified to provide emergency medical**
 3 **dispatching are unable to cope.**

4 SECTION 23. IC 16-31-3.5-3 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 3. (a) ~~After~~ **After**
 6 **December 31, 2006, an** individual may not furnish, operate, conduct,
 7 maintain, or advertise services as an emergency medical dispatcher or
 8 otherwise be engaged as an emergency medical dispatcher unless that
 9 individual is certified by the commission as an emergency medical
 10 dispatcher.

11 (b) ~~After December 31, 2006,~~ a person may not furnish, operate,
 12 conduct, maintain, or advertise services as an emergency medical
 13 dispatcher or otherwise be engaged as an emergency medical dispatch
 14 agency unless certified by the commission as an emergency medical
 15 dispatch agency.

16 SECTION 24. IC 16-31-3.5-4 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 4. (a) To be certified
 18 as an emergency medical dispatcher, an individual must:

- 19 (1) meet the standards for education and training established by
- 20 the commission;
- 21 (2) successfully complete a written competency examination
- 22 approved by the commission; and
- 23 (3) pay the fee established by the commission.

24 (b) An emergency medical dispatcher certificate expires **on the**
 25 **expiration date established when it is issued, which must be at least**
 26 two (2) years after the date of its issuance. To renew a certificate, an
 27 emergency medical dispatcher must:

- 28 (1) meet the education and training renewal standards established
- 29 by the commission; and
- 30 (2) pay the fee established by the commission.

31 (c) An emergency medical dispatcher must follow protocols,
 32 procedures, standards, and policies established by the commission.

33 (d) An emergency medical dispatcher shall keep the commission
 34 informed of the entity or agency that employs or supervises the
 35 dispatcher's activities as an emergency medical dispatcher.

36 (e) An emergency medical dispatcher shall report to the commission
 37 whenever an action has taken place that may justify the revocation or
 38 suspension of a certificate issued by the commission.

39 SECTION 25. IC 16-31-3.5-4.5 IS ADDED TO THE INDIANA
 40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE MAY 15, 2005]: **Sec. 4.5. (a) A temporary emergency**
 42 **medical dispatcher certificate may be issued by the state**

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1 emergency management agency. To obtain a temporary certificate,
2 an individual must do the following:

3 (1) Meet the standards established by the commission. The
4 commission's standards must include a declaration by a
5 certified emergency medical dispatch agency that the certified
6 emergency medical dispatch agency is temporarily unable to
7 secure a certified emergency medical dispatcher.

8 (2) Pay the fee established by the commission.

9 (b) A temporary emergency medical dispatcher certificate is
10 valid:

11 (1) for sixty (60) days after the date of issuance; and

12 (2) only for emergency medical dispatching performed for the
13 emergency medical dispatching agency that supported the
14 temporary certification.

15 (c) A temporary emergency medical dispatcher certificate issued
16 under this section may be renewed for one (1) subsequent sixty (60)
17 day period. To renew the temporary certification, the certificate
18 holder must submit the same information and fee required for the
19 original temporary certification.

20 SECTION 26. IC 16-31-3.5-5 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 5. (a) To be certified
22 as an emergency medical dispatch agency, a person must:

23 (1) meet the standards established by the commission; and

24 (2) pay the fee established by the commission.

25 (b) An emergency medical dispatch agency certificate expires **on**
26 **the expiration date established when it is issued, which must be at**
27 **least** two (2) years after the date of its issuance. To renew a certificate,
28 an emergency medical dispatch agency must:

29 (1) meet the renewal requirements established by the commission;
30 and

31 (2) pay the fee established by the commission.

32 (c) The emergency medical dispatch agency must be operated in a
33 safe, efficient, and effective manner in accordance with commission
34 approved standards that include the following requirements:

35 (1) All personnel providing emergency medical dispatch services
36 must be certified as emergency medical dispatchers by the
37 commission before functioning alone in an online capacity.

38 (2) The protocols, procedures, standards, and policies used by an
39 emergency medical dispatch agency to dispatch emergency
40 medical aid must comply with the requirements established by the
41 commission.

42 (3) The commission must require the emergency medical dispatch

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agency to appoint a dispatch medical director to provide supervision and oversight over the medical aspects of the operation of the emergency medical dispatch agency.

(d) The commission may require the submission of periodic reports from an emergency medical dispatch agency. The emergency medical dispatch agency must submit the reports in the manner and with the frequency required by the commission.

(e) An emergency medical dispatch agency shall report to the commission whenever an action occurs that may justify the revocation or suspension of a certificate issued by the commission.

SECTION 27. IC 16-31-3.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 6. (a) The commission must require emergency medical dispatchers to participate in continuing emergency medical dispatch education and training.

(b) An emergency medical dispatcher education and training course must: ~~be~~

(1) **meet the curriculum and standards** approved by the commission; and ~~must~~

(2) be conducted by an instructor or instructors that meet qualifications established by the commission.

(c) A person may not offer or conduct a training course that is represented as a course for emergency medical dispatcher certification unless the course is approved by the ~~commission~~ **state emergency management agency** and the instructor or instructors meet the qualifications established by the commission.

SECTION 28. IC 16-31-8.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 1. As used in this chapter, "agency" refers to the ~~state emergency management agency~~ **department of homeland security** established by ~~IC 10-14-2-1~~ **IC 10-19-2-1**.

SECTION 29. IC 16-31-8.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 3. (a) The emergency medical services fund is established to defray the personal services expense, other operating expense, and capital outlay of the:

(1) commission; and

(2) employees of the agency.

(b) The fund includes money collected under IC 16-31-3.5.

SECTION 30. IC 16-31-8.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 4. (a) The agency shall administer the fund.

(b) The agency shall deposit money collected under IC 16-31-3.5 in the fund at least monthly.

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(c) Expenses of administering the fund shall be paid from money in the fund.

SECTION 31. IC 22-12-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 9. "Department" refers to the fire and building services department of homeland security established by IC 10-19-2-1.

SECTION 32. IC 22-12-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 2. (a) The commission consists of ~~nineteen (19)~~ voting **eleven (11)** members, and ~~two (2)~~ nonvoting members. **nine (9) of whom shall be appointed by the governor.** ~~shall appoint seventeen (17) voting members to the commission; each to~~

(b) **A commission member may** serve a term of four (4) years.

(c) The state health commissioner or the commissioner's designee shall serve as a ~~voting~~ member of the commission, and the commissioner of labor or the commissioner's designee shall serve as a ~~voting~~ member of the commission. ~~The state fire marshal and the state building commissioner shall serve as nonvoting members of the commission.~~

(~~b~~) (d) Each appointed member of the commission must have a recognized interest, knowledge, and experience in the field of fire prevention, fire protection, building safety, or other related matters.

(~~c~~) **The appointed members of governor shall consider appointing individuals to the commission must include with experience in the following:**

- (1) ~~One (1) member of A paid fire department.~~
- (2) ~~One (1) member of A volunteer fire department.~~
- (3) ~~One (1) individual in The field of fire insurance.~~
- (4) ~~One (1) individual in The fire service industry.~~
- (5) ~~One (1) individual in The manufactured housing industry.~~
- (6) ~~One (1) individual in The field of fire protection engineering.~~
- (7) ~~One (1) professional engineer.~~
- (7) **Engineering.**
- (8) ~~One (1) Building contractor: contracting.~~
- (9) ~~One (1) individual in The field of building one (1) and two (2) family dwellings.~~
- (10) ~~One (1) registered architect.~~
- (10) **Architecture.**
- (11) ~~One (1) individual engaged in The design or construction of heating, ventilating, air conditioning, or plumbing systems.~~
- (12) ~~One (1) individual engaged in The design or construction of regulated lifting devices.~~

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(13) ~~One (1) building commissioner or building inspector of a~~
City, town, or county **building inspection.**

(14) ~~One (1) individual in an industry that operates~~ Regulated
amusement devices.

(15) ~~One (1) individual who is knowledgeable in~~ Accessibility
requirements and ~~who has~~ personal experience with a disability.

(16) ~~One (1) individual who represents owners, operators, and~~
~~installers of~~ Underground and aboveground motor fuel storage
tanks and dispensing systems.

(17) ~~One (1) individual in~~ The masonry trades.

~~(d) (e)~~ Not more than ~~ten (10)~~ **five (5)** of the appointed members of
the commission may be affiliated with the same political party.

~~(e) (f)~~ An appointed member of the commission may not serve more
than two (2) consecutive terms. However, any part of an unexpired
term served by a member filling a vacancy does not count toward this
limitation.

SECTION 33. IC 22-13-2-10 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 10. (a) A county, city,
or town may regulate regulated lifting devices if the unit's regulatory
program is approved by the commission.

(b) A unit must submit its ordinances and other regulations that
regulate lifting devices to the commission for approval. The ordinance
or other regulation is not effective until it is approved by the
commission. If any of these ordinances or regulations conflict with the
commission's rules, the commission's rules supersede the local
ordinance or other regulation.

(c) A unit may issue permits only to applicants who qualify under
IC 22-15-5. However, the unit may specify a lesser fee than that set
under IC 22-12-6-6(a)(7).

(d) A unit must inspect regulated lifting devices with inspectors who
possess the qualifications necessary to be employed by the ~~office of the~~
state building commissioner law compliance officer in the
department of homeland security as a regulated lifting device
inspector.

SECTION 34. IC 22-13-5-2 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 2. (a) Upon the written
request of an interested person, the ~~office of the state building~~
commissioner law compliance officer in the department of
homeland security may issue a written interpretation of a building
law. An interpretation issued by the ~~office of the state building~~
commissioner law compliance officer in the department of
homeland security must be consistent with building laws enacted by

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the general assembly or adopted by the commission.

(b) The ~~office of the state building commissioner~~ **law compliance officer in the department of homeland security** may issue a written interpretation of a building law under subsection (a) whether or not the county or municipality has taken any action to enforce the building law.

SECTION 35. IC 22-13-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 4. (a) A written interpretation of a building law binds all counties and municipalities if the ~~office of the state building commissioner~~ **law compliance officer in the department of homeland security** publishes the written interpretation of the building law in the Indiana Register under IC 4-22-7-7(b). For purposes of IC 4-22-7-7, a written interpretation of a building law published by the ~~office of the state building commissioner~~ **law compliance officer in the department of homeland security** is considered adopted by an agency.

(b) A written interpretation of a building law published under subsection (a) binds all counties and municipalities until the earlier of the following:

(1) The general assembly enacts a statute that substantively changes the building law interpreted or voids the written interpretation.

(2) The commission adopts a rule under IC 4-22-2 to state a different interpretation of the building law.

(3) The written interpretation is found to be an erroneous interpretation of the building law in a judicial proceeding.

(4) The ~~office of the state building commissioner~~ **law compliance officer in the department of homeland security** publishes a different written interpretation of the building law.

SECTION 36. IC 22-14-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 4. "Office" refers to the ~~office of the state fire marshal~~ **division of fire and building safety established by IC 10-19-7-1.**

SECTION 37. IC 22-15-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 4. "Office" refers to the ~~office of the state building commissioner~~ **division of fire and building safety established by IC 10-19-7-1.**

SECTION 38. IC 4-3-20 IS REPEALED [EFFECTIVE MAY 15, 2005].

SECTION 39. IC 5-2-10.5 IS REPEALED [EFFECTIVE MAY 15, 2005].

SECTION 40. THE FOLLOWING ARE REPEALED [EFFECTIVE MAY 15, 2005]: IC 10-14-2-1; IC 10-14-2-2; IC 10-14-2-3.

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SECTION 41. THE FOLLOWING ARE REPEALED [EFFECTIVE MAY 15, 2005]: IC 10-15-1-2; IC 10-15-1-7.

SECTION 42. IC 16-31-3-19 IS REPEALED [EFFECTIVE MAY 15, 2005].

SECTION 43. THE FOLLOWING ARE REPEALED [EFFECTIVE MAY 15, 2005]: IC 22-12-5; IC 22-14-2-1; IC 22-14-2-3; IC 22-15-2-1; IC 22-15-2-2; IC 22-15-2-3; IC 22-15-2-4; IC 22-15-2-5.

SECTION 44. P.L.205-2003, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: SECTION 45. (a) Notwithstanding IC 16-31-3.5-3(a), as added by this act, the prohibition against an individual acting as an emergency medical dispatcher unless the individual is certified by the Indiana emergency medical services commission as an emergency medical dispatcher does not apply to an individual before July 1, ~~2005~~ **2007**.

(b) Notwithstanding IC 16-31-3.5-3(b), as added by this act, the prohibition against a person acting as an emergency medical dispatch agency unless the person is certified by the Indiana emergency medical services commission as an emergency medical dispatch agency does not apply to a person before July 1, ~~2005~~ **2007**.

(c) This SECTION expires July 2, ~~2005~~ **2007**.

SECTION 45. [EFFECTIVE MAY 15, 2005] (a) **The definitions in IC 10-19-1, as added by this act, apply throughout this SECTION.**

(b) **After May 14, 2005, the following apply:**

(1) **The powers and duties of the counterterrorism and security council established by IC 4-3-20-2 are transferred to the council established by IC 10-19-8-1, as added by this act.**

(2) **A reference to the counterterrorism and security council established by IC 4-3-20-2 in a statute, a rule, or another document is considered a reference to the council established by IC 10-19-8-1, as added by this act.**

(3) **All the property of the counterterrorism and security council established by IC 4-3-20-2 is transferred to the department.**

(4) **An appropriation to the counterterrorism and security council established by IC 4-3-20-2, in effect after June 30, 2005, is transferred to the department.**

(5) **Personnel positions of the counterterrorism and security council established by IC 4-3-20-2 are transferred to the department.**

(6) **This subdivision applies to an individual employed by the counterterrorism and security council established by IC 4-3-20-2 on May 14, 2005:**

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(A) The individual is entitled to become an employee of the department on May 15, 2005.

(B) The individual is entitled to have the individual's service as an employee of the counterterrorism and security council before May 15, 2005, included for the purpose of computing all applicable employment rights and benefits with the department.

(7) All leases and obligations entered into by the counterterrorism and security council established by IC 4-3-20-2 before May 15, 2005, that are legal and valid on May 15, 2005, are obligations of the department beginning May 15, 2005.

(c) This SECTION expires July 1, 2008.

SECTION 46. [EFFECTIVE MAY 15, 2005] (a) The definitions in IC 10-19-1, as added by this act, apply throughout this SECTION.

(b) As used in this SECTION, "board" refers to the public safety training board created by IC 5-2-10.5-5.

(c) As used in this SECTION, "division" refers to the division of preparedness and training of the department.

(d) As used in this SECTION, "institute" refers to the public safety institute established by IC 5-2-10.5-4.

(e) After May 14, 2005, the following apply:

(1) The board and the institute are abolished.

(2) The powers and duties of the board and the institute are transferred to the division.

(3) A reference to the board or the institute in a statute, a rule, or another document is considered a reference to the division.

(4) All the property of the board and the institute is transferred to the department.

(5) An appropriation to the board or the institute, in effect after May 14, 2005, is transferred to the department.

(6) Personnel positions of the board or the institute are transferred to the department.

(7) This subdivision applies to an individual employed by the board or the institute on May 14, 2005:

(A) The individual is entitled to become an employee of the department on May 15, 2005.

(B) The individual is entitled to have the individual's service as an employee of the board or the institute before May 15, 2005, included for the purpose of computing all applicable employment rights and benefits with the department.

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(8) All leases and obligations entered into by the board or the institute before May 15, 2005, that are legal and valid on May 15, 2005, are obligations of the department beginning May 15, 2005.

(f) This SECTION expires July 1, 2008.

SECTION 47. [EFFECTIVE MAY 15, 2005] (a) The definitions in IC 10-19-1, as added by this act, apply throughout this SECTION.

(b) As used in this SECTION, "agency" refers to the state emergency management agency established by IC 10-14-2-1.

(c) After May 14, 2005, the following apply:

(1) The agency is abolished.

(2) The powers and duties of the agency are transferred to the department.

(3) A reference to the agency in a statute, a rule, or another document is considered a reference to the department.

(4) All the property of the agency is transferred to the department.

(5) An appropriation to the agency, in effect after May 14, 2005, is transferred to the department.

(6) The following funds are transferred to the department:

(A) The emergency management contingency fund established by IC 10-14-3-28.

(B) The state disaster relief fund established by IC 10-14-4-5.

(C) The nuclear response fund established under IC 10-14-6.

(7) Personnel positions of the agency are transferred to the department.

(8) This subdivision applies to an individual employed by the agency on May 14, 2005:

(A) The individual is entitled to become an employee of the department on May 15, 2005.

(B) The individual is entitled to have the individual's service as an employee of the agency before May 15, 2005, included for the purpose of computing all applicable employment rights and benefits with the department.

(9) All leases and obligations entered into by the agency before May 15, 2005, that are legal and valid on May 15, 2005, are obligations of the department beginning May 15, 2005.

(d) This SECTION expires July 1, 2008.

SECTION 48. [EFFECTIVE MAY 15, 2005] (a) The definitions in IC 10-19-1, as added by this act, apply throughout this SECTION.

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(b) As used in this SECTION, "fire and building services department" refers to the department established by IC 22-12-5-1, before its repeal by this act.

(c) As used in this SECTION, "department of homeland security" refers to the department established by IC 10-19-2-1, as added by this act.

(d) After May 14, 2005, the following apply:

(1) The fire and building services department is abolished.

(2) The powers and duties of the fire and building services department are transferred to the department of homeland security.

(3) A reference to the fire and building services department in a statute, a rule, or another document is considered a reference to the department of homeland security.

(4) All the property of the fire and building services department is transferred to the department of homeland security.

(5) An appropriation to the fire and building services department, in effect after May 14, 2005, is transferred to the department of homeland security.

(6) The following funds are transferred to the department of homeland security:

(A) The fire and building services fund established by IC 22-12-6-1.

(B) The statewide arson investigation financial assistance fund established by IC 22-12-6-2.

(C) The statewide fire and building safety education fund established by IC 22-12-6-3.

(D) The firefighting and emergency equipment revolving loan fund established by IC 22-14-5-1.

(7) Personnel positions of the fire and building services department are transferred to the department of homeland security.

(8) This subdivision applies to an individual employed by the fire and building services department on May 14, 2005:

(A) The individual is entitled to become an employee of the department of homeland security on May 15, 2005.

(B) The individual is entitled to have the individual's service as an employee of the fire and building services department before May 15, 2005, included for the purpose of computing all applicable employment rights and benefits with the department of homeland security.

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(9) All leases and obligations entered into by the fire and building services department before May 15, 2005, that are legal and valid on May 15, 2005, are obligations of the department of homeland security beginning May 15, 2005.

(c) This SECTION expires July 1, 2008.

SECTION 49. [EFFECTIVE MAY 15, 2005] (a) The definitions in IC 10-19-1, as added by this act, apply throughout this SECTION.

(b) As used in this SECTION, "division" refers to the division of fire and building safety of the department of homeland security established by IC 10-19-7-1, as added by this act.

(c) As used in this SECTION, "office" refers to the office of the state building commissioner established by IC 22-15-2-1, before its repeal by this act.

(d) After May 14, 2005, the following apply:

(1) The office is abolished.

(2) The powers and duties of the office are transferred to the division.

(3) A reference to the office in a statute, a rule, or another document is considered a reference to the division.

(4) All the property of the office is transferred to the division.

(5) An appropriation to the office, in effect after May 14, 2005, is transferred to the division.

(6) Personnel positions of the office are transferred to the division.

(7) This subdivision applies to an individual employed by the office on May 14, 2005:

(A) The individual is entitled to become an employee of the division on May 15, 2005.

(B) The individual is entitled to have the individual's service as an employee of the office before May 15, 2005, included for the purpose of computing all applicable employment rights and benefits with the department of homeland security.

(8) All leases and obligations entered into by the office before May 15, 2005, that are legal and valid on May 15, 2005, are obligations of the department of homeland security beginning May 15, 2005.

(c) This SECTION expires July 1, 2008.

SECTION 50. [EFFECTIVE MAY 15, 2005] (a) The definitions in IC 10-19-1, as added by this act, apply throughout this SECTION.

(b) As used in this SECTION, "commissioner" refers to the state building commissioner appointed under IC 22-15-2-2, before

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- 1 its repeal by this act.
- 2 (c) As used in this SECTION, "division" refers to the division of
- 3 fire and building safety of the department of homeland security
- 4 established by IC 10-19-7-1, as added by this act.
- 5 (d) After May 14, 2005, the following apply:
- 6 (1) The powers and duties of the commissioner are
- 7 transferred to the division.
- 8 (2) A reference to the commissioner in a statute, a rule, or
- 9 another document is considered a reference to the division.
- 10 (e) This SECTION expires July 1, 2008.
- 11 SECTION 51. [EFFECTIVE MAY 15, 2005] (a) As used in this
- 12 SECTION, "commission" refers to the fire prevention and building
- 13 safety commission established by IC 22-12-2-1.
- 14 (b) Notwithstanding any other law, the term of office of a
- 15 member of the commission serving on May 14, 2005, terminates
- 16 May 15, 2005.
- 17 (c) The governor shall appoint the number of members of the
- 18 commission provided by IC 22-12-2-2, as amended by this act.
- 19 (d) This SECTION expires July 1, 2009.
- 20 SECTION 52. [EFFECTIVE MAY 15, 2005] (a) As used in this
- 21 SECTION, "department" refers to the department of homeland
- 22 security established by IC 10-19-2-1, as added by this act.
- 23 (b) The legislative services agency shall prepare legislation for
- 24 introduction in the 2006 regular session of the general assembly to
- 25 organize and correct statutes affected by the establishment of the
- 26 department by this act.
- 27 (c) This SECTION expires July 1, 2006.
- 28 SECTION 53. An emergency is declared for this act.

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SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 56 and that Senator Wyss be substituted therefor.

GARTON

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COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 56, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety and to make an appropriation.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Homeland Security, Utilities, and Public Policy.

(Reference is to SB 56 as introduced.)

GARTON, Chairperson

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SENATE MOTION

Madam President: I move that Senators Craycraft and Rogers be added as coauthors of Senate Bill 56.

WYSS

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COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill No. 56, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective dates in SECTIONS 1 through 38 with "[EFFECTIVE MAY 15, 2005]".

Page 5, line 40, strike "policy" and insert "**police**".

Page 6, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 7. IC 10-14-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 1. (a) As used in this chapter, "disaster" means an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural **phenomenon** or ~~manmade cause~~. **human act**.

(b) The term includes **any of** the following:

- (1) Fire.
- (2) Flood.
- (3) Earthquake.
- ~~(4) Wind.~~
- (4) Windstorm.**
- ~~(5) Storm.~~
- (5) Snowstorm.**
- (6) Ice storm.**
- (7) Tornado.**
- ~~(6)~~ **(8) Wave action.**
- ~~(7)~~ **(9) Oil spill.**
- ~~(8)~~ **(10) Other water contamination requiring emergency action to avert danger or damage.**
- ~~(9)~~ **(11) Air contamination.**
- ~~(10)~~ **(12) Drought.**
- ~~(11)~~ **(13) Explosion.**
- (14) Technological emergency.**
- (15) Utility failure.**
- (16) Critical shortages of essential fuels or energy.**
- (17) Major transportation accident.**
- (18) Hazardous material or chemical incident.**
- (19) Radiological incident.**
- (20) Nuclear incident.**
- (21) Biological incident.**
- (22) Epidemic.**



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(23) Public health emergency.

(24) Animal disease event requiring emergency action.

(25) Blight.

(26) Infestation.

~~(+2)~~ **(27) Riot.**

~~(+3)~~ **(28) Hostile military or paramilitary action.**

(29) Act of terrorism.

(30) Any other public calamity requiring emergency action."

Page 9, line 33, delete "subsections (b) and (c)," and insert **"this section,"**.

Page 10, between lines 2 and 3, begin a new paragraph and insert:

"(d) The board of firefighting personnel standards and education is the authority that adopts rules under IC 36-8-10.5."

Page 11, between lines 33 and 34, begin a new line block indented and insert:

"(11) The commissioner of the bureau of motor vehicles."

Page 11, line 34, delete "(11)" and insert **"(12)"**.

Page 11, line 36, delete "(12)" and insert **"(13)"**.

Page 11, line 38, delete "(13)" and insert **"(14)"**.

Page 11, line 39, delete "(14)" and insert **"(15)"**.

Page 11, line 40, delete "(a)(12),".

Page 11, line 40, after "(a)(13)," insert **"(a)(14), and (a)(15)"**.

Page 11, line 41, delete "and (a)(14)".

Page 12, line 19, delete "an affiliate" and insert "affiliates".

Page 12, line 19, delete "in each county".

Page 12, line 20, delete "community".

Page 14, line 5, delete "The division shall".

Page 14, delete lines 6 through 8.

Page 15, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 19. IC 16-31-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 2. The commission shall establish standards for persons required to be certified by the commission to provide emergency medical services. To be certified, a person must meet the following minimum requirements:

(1) The personnel certified under this chapter must do the following:

(A) Meet the standards for education and training established by the commission by rule.

(B) Successfully complete a basic or an inservice course of education and training on sudden infant death syndrome that is certified by the Indiana emergency medical services commission (created under IC 16-31-2-1) in conjunction with

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the state health commissioner.

(2) Ambulances to be used must conform with the requirements of the commission and must either be:

(A) covered by insurance issued by a company licensed to do business in Indiana in the amounts and under the terms required in rules adopted by the commission; ~~taking into consideration recommendations of the technical advisory committee;~~ or

(B) owned by a governmental entity covered under IC 34-13-3.

(3) Emergency ambulance service shall be provided in accordance with rules adopted by the commission. ~~taking into consideration recommendations of the advisory committee concerning staffing, equipping, and operating procedures.~~ However, the rules adopted under this chapter may not prohibit the dispatch of an ambulance to aid an emergency patient because an emergency medical technician is not immediately available to staff the ambulance.

(4) Ambulances must be equipped with a system of emergency medical communications approved by the commission. The emergency medical communication system must properly integrate and coordinate appropriate local and state emergency communications systems and reasonably available area emergency medical facilities with the general public's need for emergency medical services.

(5) Emergency medical communications shall be provided in accordance with rules adopted by the commission. ~~taking into consideration recommendations of the technical advisory committee concerning such matters.~~

(6) A nontransporting emergency medical services vehicle must conform with the commission's requirements.

SECTION 20. IC 16-31-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 3. (a) A certificate is not required for a person who provides emergency ambulance service, an emergency medical technician, **an emergency medical technician-basic advanced**, an ambulance, a nontransporting emergency medical services vehicle, or advanced life support when doing any of the following:

(1) Providing assistance to persons certified to provide emergency ambulance service or to emergency medical technicians.

(2) Operating from a location or headquarters outside Indiana to provide emergency ambulance services to patients who are picked up outside Indiana for transportation to locations within Indiana.

(3) Providing emergency medical services during a major

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catastrophe or disaster with which persons or ambulances certified to provide emergency ambulance services are insufficient or unable to cope.

(b) An agency or instrumentality of the United States and any paramedic, ~~or advanced emergency technician~~ **emergency medical technician-intermediate, emergency medical technician-basic advanced, emergency medical technician, or first responder** of the agency or instrumentality is not required to:

- (1) be certified; or
- (2) conform to the standards prescribed under this chapter.

SECTION 21. IC 16-31-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 14. (a) A person holding a certificate issued under this article must comply with the applicable standards and rules established under this article. A certificate holder is subject to disciplinary sanctions under subsection (b) if the state emergency management agency determines that the certificate holder:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate, including cheating on a certification examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;
- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses required under this article or rules adopted under this article;
- (5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the certificate holder should be entrusted to provide emergency medical services;
- (6) is convicted of violating IC 9-19-14.5;
- (7) fails to comply and maintain compliance with or violates any applicable provision, standard, or other requirement of this article or rules adopted under this article;
- (8) continues to practice if the certificate holder becomes unfit to practice due to:
 - (A) professional incompetence that includes the undertaking of professional activities that the certificate holder is not qualified by training or experience to undertake;
 - (B) failure to keep abreast of current professional theory or practice;

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- (C) physical or mental disability; or
- (D) addiction to, abuse of, or dependency on alcohol or other drugs that endanger the public by impairing the certificate holder's ability to practice safely;
- (9) engages in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (10) allows the certificate holder's name or a certificate issued under this article to be used in connection with a person who renders services beyond the scope of that person's training, experience, or competence;
- (11) is subjected to disciplinary action in another state or jurisdiction on grounds similar to those contained in this chapter. For purposes of this subdivision, a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction;
- (12) assists another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or
- (13) allows a certificate issued by the commission to be:
 - (A) used by another person; or
 - (B) displayed to the public when the certificate is expired, inactive, invalid, revoked, or suspended.
- (b) The state emergency management agency may issue an order under IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if the state emergency management agency determines that a certificate holder is subject to disciplinary sanctions under subsection (a):
 - (1) Revocation of a certificate holder's certificate for a period not to exceed seven (7) years.
 - (2) Suspension of a certificate holder's certificate for a period not to exceed seven (7) years.
 - (3) Censure of a certificate holder.
 - (4) Issuance of a letter of reprimand.
 - (5) Assessment of a civil penalty against the certificate holder in accordance with the following:
 - (A) The civil penalty may not exceed five hundred dollars (\$500) per day per violation.
 - (B) If the certificate holder fails to pay the civil penalty within the time specified by the state emergency management agency, the state emergency management agency may suspend the certificate holder's certificate without additional proceedings.
 - (6) Placement of a certificate holder on probation status and

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requirement of the certificate holder to:

- (A) report regularly to the state emergency management agency upon the matters that are the basis of probation;
- (B) limit practice to those areas prescribed by the state emergency management agency;
- (C) continue or renew professional education approved by the state emergency management agency until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
- (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the state emergency management agency considers appropriate to the public interest or to the rehabilitation or treatment of the certificate holder.

The state emergency management agency may withdraw or modify this probation if the state emergency management agency finds after a hearing that the deficiency that required disciplinary action is remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a certificate holder has engaged in or knowingly cooperated in fraud or material deception to obtain a certificate, including cheating on the certification examination, the state emergency management agency may rescind the certificate if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the certificate for a length of time established by the state emergency management agency.

(d) The state emergency management agency may deny certification to an applicant who would be subject to disciplinary sanctions under subsection (b) if that person were a certificate holder, has had disciplinary action taken against the applicant or the applicant's certificate to practice in another state or jurisdiction, or has practiced without a certificate in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The state emergency management agency may order a certificate holder to submit to a reasonable physical or mental examination if the certificate holder's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a state emergency management agency order to submit to a physical or mental examination makes a certificate holder liable to temporary suspension under subsection (i).

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(f) Except as provided under subsection (a), **subsection (g)**, and section 14.5 of this chapter, a certificate may not be denied, revoked, or suspended because the applicant or certificate holder has been convicted of an offense. The acts from which the applicant's or certificate holder's conviction resulted may be considered as to whether the applicant or certificate holder should be entrusted to serve the public in a specific capacity.

(g) The state emergency management agency may deny, suspend, or revoke a certificate issued under this ~~chapter~~ **article** if the individual who holds or is applying for the certificate is convicted of any of the following:

- (1) Possession of cocaine, a narcotic drug, or methamphetamine under IC 35-48-4-6.
- (2) Possession of a controlled substance under IC 35-48-4-7(a).
- (3) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
- (4) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
- (5) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
- (6) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
- (7) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.
- (8) Maintaining a common nuisance under IC 35-48-4-13.
- (9) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
- (10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).
- (11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).
- (12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described by subdivisions (1) through (11).

(h) A decision of the state emergency management agency under subsections (b) through (g) may be appealed to the commission under IC 4-21.5-3-7.

(i) The state emergency management agency may temporarily suspend a certificate holder's certificate under IC 4-21.5-4 before a final adjudication or during the appeals process if the state emergency management agency finds that a certificate holder would represent a

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clear and immediate danger to the public's health, safety, or property if the certificate holder were allowed to continue to practice.

(j) On receipt of a complaint or information alleging that a person certified under this chapter or IC 16-31-3.5 has engaged in or is engaging in a practice that is subject to disciplinary sanctions under this chapter, the state emergency management agency must initiate an investigation against the person.

(k) The state emergency management agency shall conduct a factfinding investigation as the state emergency management agency considers proper in relation to the complaint.

(l) The state emergency management agency may reinstate a certificate that has been suspended under this section if the state emergency management agency is satisfied that the applicant is able to practice with reasonable skill, competency, and safety to the public. As a condition of reinstatement, the state emergency management agency may impose disciplinary or corrective measures authorized under this chapter.

(m) The state emergency management agency may not reinstate a certificate that has been revoked under this chapter.

(n) The state emergency management agency must be consistent in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the state emergency management agency's findings or orders.

(o) A certificate holder may not surrender the certificate holder's certificate without the written approval of the state emergency management agency, and the state emergency management agency may impose any conditions appropriate to the surrender or reinstatement of a surrendered certificate.

(p) For purposes of this section, "certificate holder" means a person who holds:

- (1) an unlimited certificate;
- (2) a limited or probationary certificate; or
- (3) an inactive certificate.

SECTION 22. IC 16-31-3.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 2. This chapter does not apply to **the following**:

- (1) A person who solely dispatches prescheduled emergency medical transports.
- (2) **A person who provides emergency medical dispatching during a major catastrophe or disaster with which individuals or dispatch agencies certified to provide emergency medical**

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dispatching are unable to cope.

SECTION 23. IC 16-31-3.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 3. (a) **After December 31, 2006, an** individual may not furnish, operate, conduct, maintain, or advertise services as an emergency medical dispatcher or otherwise be engaged as an emergency medical dispatcher unless that individual is certified by the commission as an emergency medical dispatcher.

(b) **After December 31, 2006, a** person may not furnish, operate, conduct, maintain, or advertise services as an emergency medical dispatcher or otherwise be engaged as an emergency medical dispatch agency unless certified by the commission as an emergency medical dispatch agency.

SECTION 24. IC 16-31-3.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 4. (a) To be certified as an emergency medical dispatcher, an individual must:

- (1) meet the standards for education and training established by the commission;
- (2) successfully complete a written competency examination approved by the commission; and
- (3) pay the fee established by the commission.

(b) An emergency medical dispatcher certificate expires **on the expiration date established when it is issued, which must be at least two (2) years** after the date of its issuance. To renew a certificate, an emergency medical dispatcher must:

- (1) meet the education and training renewal standards established by the commission; and
- (2) pay the fee established by the commission.

(c) An emergency medical dispatcher must follow protocols, procedures, standards, and policies established by the commission.

(d) An emergency medical dispatcher shall keep the commission informed of the entity or agency that employs or supervises the dispatcher's activities as an emergency medical dispatcher.

(e) An emergency medical dispatcher shall report to the commission whenever an action has taken place that may justify the revocation or suspension of a certificate issued by the commission.

SECTION 25. IC 16-31-3.5-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: **Sec. 4.5. (a) A temporary emergency medical dispatcher certificate may be issued by the state emergency management agency. To obtain a temporary certificate, an individual must do the following:**

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(1) Meet the standards established by the commission. The commission's standards must include a declaration by a certified emergency medical dispatch agency that the certified emergency medical dispatch agency is temporarily unable to secure a certified emergency medical dispatcher.

(2) Pay the fee established by the commission.

(b) A temporary emergency medical dispatcher certificate is valid:

(1) for sixty (60) days after the date of issuance; and

(2) only for emergency medical dispatching performed for the emergency medical dispatching agency that supported the temporary certification.

(c) A temporary emergency medical dispatcher certificate issued under this section may be renewed for one (1) subsequent sixty (60) day period. To renew the temporary certification, the certificate holder must submit the same information and fee required for the original temporary certification.

SECTION 26. IC 16-31-3.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 5. (a) To be certified as an emergency medical dispatch agency, a person must:

(1) meet the standards established by the commission; and

(2) pay the fee established by the commission.

(b) An emergency medical dispatch agency certificate expires **on the expiration date established when it is issued, which must be at least two (2) years after the date of its issuance.** To renew a certificate, an emergency medical dispatch agency must:

(1) meet the renewal requirements established by the commission; and

(2) pay the fee established by the commission.

(c) The emergency medical dispatch agency must be operated in a safe, efficient, and effective manner in accordance with commission approved standards that include the following requirements:

(1) All personnel providing emergency medical dispatch services must be certified as emergency medical dispatchers by the commission before functioning alone in an online capacity.

(2) The protocols, procedures, standards, and policies used by an emergency medical dispatch agency to dispatch emergency medical aid must comply with the requirements established by the commission.

(3) The commission must require the emergency medical dispatch agency to appoint a dispatch medical director to provide supervision and oversight over the medical aspects of the

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operation of the emergency medical dispatch agency.

(d) The commission may require the submission of periodic reports from an emergency medical dispatch agency. The emergency medical dispatch agency must submit the reports in the manner and with the frequency required by the commission.

(e) An emergency medical dispatch agency shall report to the commission whenever an action occurs that may justify the revocation or suspension of a certificate issued by the commission.

SECTION 27. IC 16-31-3.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 6. (a) The commission must require emergency medical dispatchers to participate in continuing emergency medical dispatch education and training.

(b) An emergency medical dispatcher education and training course must: ~~be~~

(1) **meet the curriculum and standards** approved by the commission; and ~~must~~

(2) be conducted by an instructor or instructors that meet qualifications established by the commission.

(c) A person may not offer or conduct a training course that is represented as a course for emergency medical dispatcher certification unless the course is approved by the ~~commission~~ **state emergency management agency** and the instructor or instructors meet the qualifications established by the commission."

Page 15, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 28. IC 16-31-8.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 3. (a) The emergency medical services fund is established to defray the personal services expense, other operating expense, and capital outlay of the:

(1) commission; and

(2) employees of the agency.

(b) **The fund includes money collected under IC 16-31-3.5.**

SECTION 29. IC 16-31-8.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 4. (a) The agency shall administer the fund.

(b) **The agency shall deposit money collected under IC 16-31-3.5 in the fund at least monthly.**

(c) Expenses of administering the fund shall be paid from money in the fund."

Page 18, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 42. IC 16-31-3-19 IS REPEALED [EFFECTIVE MAY 15, 2005]."

Page 18, between lines 41 and 42, begin a new paragraph and insert:

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"SECTION 44. P.L.205-2003, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: SECTION 45.

(a) Notwithstanding IC 16-31-3.5-3(a), as added by this act, the prohibition against an individual acting as an emergency medical dispatcher unless the individual is certified by the Indiana emergency medical services commission as an emergency medical dispatcher does not apply to an individual before July 1, ~~2005~~: **2007**.

(b) Notwithstanding IC 16-31-3.5-3(b), as added by this act, the prohibition against a person acting as an emergency medical dispatch agency unless the person is certified by the Indiana emergency medical services commission as an emergency medical dispatch agency does not apply to a person before July 1, ~~2005~~: **2007**.

(c) This SECTION expires July 2, ~~2005~~: **2007**."

Page 19, line 2, delete "June 30," and insert "**May 14**,".

Page 19, line 21, delete "June 30," and insert "**May 14**,".

Page 19, line 23, delete "July 1," and insert "**May 15**,".

Page 19, line 26, delete "July 1," and insert "**May 15**,".

Page 19, line 31, delete "July 1," and insert "**May 15**,".

Page 19, line 32, delete "July 1, 2005," and insert "**May 15, 2005**,".

Page 19, line 32, delete "beginning July" and insert "**beginning May 15, 2005**,".

Page 19, delete line 33.

Page 20, line 1, delete "June 30," and insert "**May 14**,".

Page 20, line 10, delete "June 30," and insert "**May 14**,".

Page 20, line 14, delete "June 30," and insert "**May 14**,".

Page 20, line 16, delete "July 1," and insert "**May 15**,".

Page 20, line 19, delete "July 1," and insert "**May 15**,".

Page 20, line 23, delete "July 1," and insert "**May 15**,".

Page 20, line 23, delete "on July" and insert "**on May 15**,".

Page 20, line 24, delete "1,".

Page 20, line 24, delete "July 1," and insert "**May 15**,".

Page 20, line 31, delete "June 30," and insert "**May 14**,".

Page 20, line 39, delete "June 30," and insert "**May 14**,".

Page 21, line 9, delete "June 30," and insert "**May 14**,".

Page 21, line 11, delete "July 1," and insert "**May 15**,".

Page 21, line 13, delete "July 1," and insert "**May 15**,".

Page 21, line 17, delete "before July 1," and insert "**before May 15**,".

Page 21, line 17, delete "on July 1," and insert "**on May 15**,".

Page 21, line 18, delete "July 1," and insert "**May 15**,".

Page 21, line 28, delete "June 30," and insert "**May 14**,".

Page 21, line 40, delete "June 30," and insert "**May 14**,".

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Page 22, line 14, delete "June 30," and insert "**May 14**,".
 Page 22, line 16, delete "July 1," and insert "**May 15**,".
 Page 22, line 19, delete "July 1," and insert "**May 15**,".
 Page 22, line 23, delete "July 1," and insert "**May 15**,".
 Page 22, line 24, delete "July 1," and insert "**May 15**,".
 Page 22, line 25, delete "July 1," and insert "**May 15**,".
 Page 22, line 35, delete "June 30," and insert "**May 14**,".
 Page 22, line 42, delete "June 30," and insert "**May 14**,".
 Page 23, line 5, delete "June 30," and insert "**May 14**,".
 Page 23, line 7, delete "July 1," and insert "**May 15**,".
 Page 23, line 9, delete "July 1," and insert "**May 15**,".
 Page 23, delete lines 13 through 16, begin a new line block indented
 and insert:

**"(8) All leases and obligations entered into by the office before
 May 15, 2005, that are legal and valid on May 15, 2005, are
 obligations of the department of homeland security beginning
 May 15, 2005."**

Page 23, line 26, delete "June 30," and insert "**May 14**,".
 Page 23, line 36, delete "June 30," and insert "**May 14**,".
 Page 23, line 37, delete "July 1," and insert "**May 15**,".
 Page 24, after line 6, begin a new paragraph and insert:
"SECTION 53. An emergency is declared for this act."
 Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 56 as printed February 16, 2005.)

WYSS, Chairperson

Committee Vote: Yeas 9, Nays 0.

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